MICHIGAN POVERTY LAW PROGRAM

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February 29, 2012

Mr. Corbin R. Davis
Clerk, Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909

Re: ADM File No. 2010-22

Dear Mr. Davis:

I write to express my support for the proposed amendment of Rule 7.3 of the Michigan Rules of Professional Conduct, as described in ADM File No. 2010-22. The proposed rule change would prohibit attorneys from soliciting defendants in family law cases until service or 14 days after filing, whichever occurs first.

As an attorney at the Michigan Poverty Law Program, I provide legal support, training and coordination to Michigan legal services programs in family law matters. Legal services attorneys provide free legal representation and advice to low income individuals, and in family law matters prioritize to assist individuals involved in domestic violence or abuse. Over the years, I have heard from attorneys working in legal services who have had cases where the opposing party received a solicitation letter before service of pleadings. In order to protect their clients, these attorneys now routinely advise clients that their spouse may learn of the case in advance and specifically plan for the possibility.

The practice of soliciting potential clients before service is especially acute in cases involving domestic violence. In such cases, attorneys make specific and detailed safety plans with their clients, which include how and when to serve the other party with pleadings. Initial pleadings often include orders crafted to enhance the safety of the parent and minor children, such as personal protection orders or custody orders with language limiting contact between the parties. If the defendant learns of these orders prior to service, the safety and wellbeing of the children and the other parent could be at risk.

I urge the Court to adopt this rule amendment in the interest of protecting families.

Sincerely,

Rebecca E. Shiemke

MPLP is a cooperative effort of Legal Services of South Central Michigan and the University of Michigan Law School.